

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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Modern Point, LLC,

Case No.: 19-CV-668 (NEB/HB)

Plaintiff,

vs.

ACU Development, LLC,

**PLAINTIFF'S**  
**MOTION FOR PARTIAL**  
**SUMMARY JUDGMENT**

Defendant.

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Plaintiff Modern Point, LLC ("MPA"), hereby moves the Court for partial summary judgment under Federal Rule of Civil Procedure 56 on the issues of (1) MPA's priority use of the MODERN POINT ACUPUNCTURE mark, (2) the arbitrary or suggestive and non-descriptive nature of the MODERN POINT ACUPUNCTURE mark, and (3) the likelihood of confusion between the marks MODERN ACUPUNCTURE and MODERN POINT ACUPUNCTURE. MPA's motion is based upon the files, record, and pleadings served and filed herewith.

Dated: March 29, 2021

**WINTHROP & WEINSTINE, P.A.**

*s/ Kyle R. Kroll*

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